

JOURNAL OF THE ASSEMBLY [February 17, 1971]

STATE OF WISCONSIN

# Assembly Journal

## Eightieth Regular Session

WEDNESDAY, February 17, 1971.

9:30 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Rabbi Victor Zwelling of Beth Israel Center, 1406 Mound Street, Madison, Wis.

Representative Orlich led the membership in reciting the pledge of allegiance to the flag of the United States.

The roll was taken.

The result follows:

Present—Alberts, Anderson, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanaarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Willger, Willkom and Mr. Speaker—99.

Absent—None.

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### **AMENDMENTS OFFERED**

**Assembly amendment 2 to Assembly Bill 58 offered by Representative R. M. Thompson.**

**Assembly amendment 1 to Senate Joint Resolution 3 offered by Representative Baldus.**

**Assembly amendment 1 to Assembly Joint Resolution 16 offered by Representatives Hephner and Mittness.**

**Assembly amendment 2 to Assembly Joint Resolution 16 offered by Representative Froehlich.**

**Assembly amendment 1 to Assembly Bill 197 offered by Representative Baldus.**

**Assembly amendment 1 to Assembly Bill 63 offered by Representatives Roberts, Oberle, O'Malley, Boeckmann and Mohn.**

**Assembly substitute amendment 1 to Assembly Bill 272 offered by Representative LaFave.**

**Assembly amendment 1 to Assembly Bill 123 offered by Representative Korpela.**

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### **INTRODUCTION AND REFERENCE OF RESOLUTIONS**

**Read and referred:**

**Assembly Joint Resolution 29**

**By Representatives Gaulke, Sweda, Grover, Rogers, Kleczka, Rutkowski, Day and Groshek; co-sponsored by Senator Krueger.**

**To committee on Natural Resources.**

**Assembly Joint Resolution 30**

**By Representative Atkinson.**

**To committee on Municipalities.**

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**INTRODUCTION AND REFERENCE OF BILLS**

**Read first time and referred:**

**Assembly Bill 316**

By Representatives Anderson, Oestreicher, Sensenbrenner and Froehlich; co-sponsored by Senators Steinhilber and McKenna.

To committee on Judiciary.

**Assembly Bill 317**

By Representatives Jones, Sanasarian, Berger and Orlich, by request of Milwaukee County.

To committee on Municipalities.

**Assembly Bill 318**

By Representatives Jackson and Hanna, by request of Milwaukee County.

To committee on Health and Social Services.

**Assembly Bill 319**

By Representatives McCormick, Atkinson, Pabst and Brown, by request of Milwaukee County and Wisconsin County Boards Association.

To committee on State Affairs.

**Assembly Bill 320**

By Representatives Tobiasz and Jones, by request of Milwaukee County.

To committee on Municipalities.

**Assembly Bill 321**

By Representative Grover.

To joint committee on Finance.

**Assembly Bill 322**

By Representatives Shabaz, Froehlich, Wackett and T. G. Thompson.

To committee on State Affairs.

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**Assembly Bill 323**

By Representatives LaFave, T. G. Thompson, Wilcox, Bradley, Giese, Azim, Lewison, Schricker, Byers, McDougal, Tregoning, Guiles, Kafka and Alberts; co-sponsored by Senators LaFave and Devitt.

To committee on Education.

**Assembly Bill 324**

By Representatives Groshek, Jackson, Gaulke, Day, Otte, Bolle, Willkom, Baldus, Hanna, W. A. Johnson, Berger, Swoboda, Boeckmann, Roberts and O'Malley.

To joint Survey committee on Tax Exemptions.

**Assembly Bill 325**

By Representative Mato.

To committee on Insurance and Banking.

**Assembly Bill 326**

By Representatives Hanson, Slaby and Bultman.

To committee on Agriculture.

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**COMMUNICATIONS**

State of Wisconsin  
Department of Public Instruction

January 25, 1971.

Mr. Thomas Fox  
Chief Clerk, Assembly  
218 West, State Capitol  
Madison, Wisconsin

Dear Mr. Fox:

Submitted herewith is a report on the Critical Health Problems Education programs conducted by this department between February 16, 1970 (when Section 161.50-53 was signed) and December 31, 1970.

Respectfully submitted,

WILLIAM C. KAHL,  
State Superintendent.

Received and on file in the office of the Chief Clerk.

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The State of Wisconsin  
Legislative Council  
Madison

January 27, 1971.

Thomas Fox  
Assembly Chief Clerk  
Room 218 West  
State Capitol  
Madison, Wisconsin 53702

Dear Mr. Fox:

I am pleased to transmit to you a copy of the Wisconsin Legislative Council's Staff Report, SR-71-4, dated January, 1971.

Since the subject matter of this report undoubtedly will be a matter of great interest to the legislature during the 1971 session, a copy has been made available to the Sergeant at Arms for each member of your house.

Sincerely,

EARL SACHSE,  
Executive Secretary.

Received and on file in the office of the Chief Clerk.

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EXECUTIVE COMMUNICATION

State of Wisconsin  
Office of the Governor  
Madison, 53702

February 16, 1971.

Mr. Tom Fox  
Chief Clerk of the Assembly  
218 West Capitol  
Madison, Wisconsin 53702

Dear Mr. Fox:

I respectfully request your permission to address a Joint Conference of the Legislature with my budget and tax message on the following two dates:

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**Thursday, February 25, 1971 at 11:00 A.M.**

**Tuesday, March 2, 1971 at 11:00 A.M.**

**Sincerely,**

**PATRICK J. LUCEY,  
Governor.**

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**MESSAGE FROM THE SENATE**

**By William P. Nugent, chief clerk.**

**Mr. Speaker:**

**I am directed to inform you that the senate has passed  
and asks concurrence in:**

**Senate Bill 8.**

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**ACTION ON THE SENATE MESSAGE**

**Senate Bill 8**

**By Senator Lotto.**

**Referred to committee on Municipalities.**

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**CALENDAR OF FRIDAY, FEBRUARY 12, 1971**

**SECOND READING AND AMENDMENT OF  
ASSEMBLY BILLS**

**Assembly Joint Resolution 17**

**Relating to released time for religious instruction.**

**Representative Anderson moved that Assembly Joint  
Resolution 17 be indefinitely postponed.**

**The question was: Indefinite postponement?**

**The roll was taken.**

**The vote follows:**

**Ayes—Anderson, Barbee, Conta, Dueholm, Ferrall, Mil-  
ler, Nager, Orlich, Sanasarian, Sicula and Tregoning—11.**

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Noes—Alberts, Atkinson, Azim, Baldus, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Czerwinski, Day, Dorff, Duren, Earl, Early, Ellis, Everson, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kleczka, Klicka, Korpela, LaFave, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Mittness, Mohn, Molinaro, O'Malley, Oberle, Oestreicher, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—87.

Absent or not voting—Kessler—1.

Motion failed.

The question was: Shall the joint resolution be ordered engrossed and read a third time?

Representative Anderson asked unanimous consent that the rules be suspended and that Assembly Joint Resolution 17 be given a third reading. Granted.

The question was: Adoption?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Czerwinski, Day, Dorff, Duren, Earl, Early, Ellis, Everson, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kleczka, Klicka, Korpela, LaFave, Lewison, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Mittness, Mohn, Molinaro, O'Malley, Oberle, Oestreicher, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—86.

Noes—Anderson, Barbee, Conta, Dueholm, Ferrall, Mil-

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**ler, Nager, Orlich, Sanasarian, Sicula and Tregoning—11.**

**Absent or not voting—Kessler and Lipscomb—2.**

**Motion carried.**

**Representative Lipscomb asked unanimous consent to be recorded as voting "Aye" on adoption of Assembly Joint Resolution 17. Granted.**

**Representative Anderson asked unanimous consent that the rules be suspended and that the assembly's action on Assembly Joint Resolution 17 be immediately messaged to the senate. Granted.**

**Assembly Bill 1**

**Relating to direct action against others for negligence.**

**The question was: Shall the bill be ordered engrossed and read a third time?**

**Motion carried.**

**Representative Anderson asked unanimous consent that the rules be suspended and that Assembly Bill 1 be given a third reading. Granted.**

**The question was: This bill having been read three times, shall the bill pass?**

**Motion carried.**

**Representative Anderson asked unanimous consent that the rules be suspended and that the assembly's action on Assembly Bill 1 be immediately messaged to the senate. Granted.**

**Assembly Bill 37**

**Relating to waiver by the court of hearings on petitions to remarry.**

**The question was: Adoption of amendment 1 to Assembly Bill 37?**

**Motion carried.**

**Representative Azim moved indefinite postponement of Assembly Bill 37.**

**Representative Boeckmann asked unanimous consent to refer Assembly Bill 37 to the joint committee on Finance.**

**Representative Brown objected.**



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The question was: Indefinite postponement?

The roll was taken.

The vote follows:

Ayes—Azim, Bradley, Giese, Luckhardt, Roberts and Wackett—6.

Noes—Alberts, Anderson, Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kleczka, Klicka, Korpela, LaFave, Lewison, Lipscomb, Looby, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Slaby, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Tregoning, Vanderperren, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—90.

Absent or not voting—Dorff, Kessler and Stack—3.

Motion failed.

Representative Boeckmann moved that Assembly Bill 37 be referred to joint committee on Finance.

The question was: Shall Assembly Bill 37 be referred to the joint committee on Finance?

Motion failed.

The question was: Shall the bill be ordered engrossed and read a third time?

Motion carried.

Representative Anderson asked unanimous consent that the rules be suspended and that Assembly Bill 37 be given a third reading. Granted.

The question was: This bill having been read three times, shall the bill pass?

Motion carried.

Representative Anderson asked unanimous consent that the rules be suspended and that the assembly's action on Assembly Bill 37 be immediately messaged to the senate. Granted.

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**Assembly Bill 56**

Relating to creating a board on judicial qualifications and making an appropriation.

Assembly amendment 1 to Assembly Bill 56 offered by Representatives Sanasarian and Jackamonis.

Assembly amendment 1 to assembly amendment 1 to Assembly Bill 56 offered by Representative Froehlich.

Representative T. G. Thompson moved that Assembly Bill 56 be tabled.

The question was: Shall Assembly Bill 56 and all its amendments be laid on the table?

The roll was taken.

The vote follows:

Ayes—Alberts, Azim, Froehlich, Giese, Helgeson, Jackson, Klicka, McDougal, McEssy, Merkel, Schwefel, Shabaz, Sicula, Stalbaum, Thompson T. G., Tobiasz, Tregoning, Wackett and Wilcox—19.

Noes—Anderson, Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Duehlom, Duren, Earl, Early, Ellis, Everson, Ferrall, Gaulke, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Hephner, Jackamonis, Johnson G. K., Johnson W. A., Jones, Kafka, Kleczka, Korpela, LaFave, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, Mato, Mielke, Miller, Mittness, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Sensenbrenner, Slaby, Stack, Sweda, Swoboda, Thompson R. M., Vanderperren, Wahner, Wilger, Willkom and Mr. Speaker—78.

Absent or not voting—Kessler and Mohn—2.

Motion failed.

Representative Shabaz asked unanimous consent that Assembly Bill 56 and all its amendments be referred to the joint committee on Finance.

Representative Anderson objected.

The question was: Adoption of assembly amendment 1 to assembly amendment 1 to Assembly Bill 56?

Motion carried.

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Representative Lipscomb asked unanimous consent to speak on the subject matter of the bill. Granted.

Representative Lipscomb moved rejection of assembly amendment 1 to Assembly Bill 56.

The question was: Rejection of assembly amendment 1 to Assembly Bill 56?

The roll was taken.

The vote follows:

Ayes—Alberts, Anderson, Azim, Brown, Dueholm, Guiles, Helgeson, Jackson, Jones, Klicka, Lewison, Lipscomb, McCormick, McEssy, Mato, Merkel, Mittness, Oestreicher, Pabst, Quinn, Schwefel, Sensenbrenner, Shabaz, Slaby, Stalbaum, Thompson T. G., Wilcox, Wilger and Willkom—29.

Noes—Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Hanna, Hanson, Hephner, Jackamonis, Johnson G. K., Johnson W. A., Kafka, Kessler, Kleczka, Korpela, LaFave, Looby, Luckhardt, Lynn, McDougal, Mielke, Miller, Mohn, Molinaro, Nager, O'Malley, Oberle, Orlich, Otte, Quackenbush, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Sicula, Stack, Sweda, Swoboda, Thompson R. M., Tobiasz, Tregoning, Vanderperren, Wackett, Wahner and Mr. Speaker—70.

Absent or not voting—None.

Motion failed.

The question was: Adoption of assembly amendment 1 to Assembly Bill 56?

The roll was taken.

The vote follows:

Ayes—Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Kafka, Kessler, Kleczka, Korpela, LaFave, Looby, Luckhardt, Lynn, McEssy, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, Oberle, Orlich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski,

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Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sicula, Stack, Sweda, Swoboda, Thompson R. M., Tobiasz, Tregoning, Vanderperren, Wackett, Wahner, Willkom and Mr. Speaker—76.

Noes—Alberts, A n d e r s o n , Azim, Brown, Dueholm, Guiles, Jones, Klicka, Lewison, Lipscomb, McCormick, McDougal, Mato, Merkel, O'Malley, Oestreicher, Sensenbrenner, Shabaz, Slaby, Stalbaum, Thompson T. G., Wilcox and Wilger—23.

Absent or not voting—None.

Motion carried.

Assembly amendment 2 to Assembly Bill 56 offered by Representative Nager.

The question was: Adoption of assembly amendment 2 to Assembly Bill 56?

Motion carried.

Representative Stalbaum moved indefinite postponement of Assembly Bill 56.

Representative Stalbaum asked unanimous consent to make a statement. Granted.

The question was: Shall Assembly Bill 56 be indefinitely postponed?

The roll was taken.

The vote follows:

Ayes—Azim, Conradt, Duren, Froehlich, Greider, Lewison, McDougal, McEssy, Merkel, Oestreicher, Roberts, Schwefel, Slaby, Stalbaum, Thompson T. G., Tobiasz, Wilcox and Wilger—18.

Noes—Alberts, A n d e r s o n , Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Gaulke, Giese, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lipscomb, Looby, Luckhardt, Lynn, McCormick, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Orlich, Otte, Pabst, Quackenbush, Quinn, Rogers, R u t k o w s k i , Sanasarian, Schneider, Schowalter, Shricker, Schroeder, Sensenbrenner,

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Shabaz, Sicula, Stack, Sweda, Swoboda, Thompson R. M., Tregoning, Vanderperren, Wackett, Wahner, Willkom and Mr. Speaker—80.

Absent or not voting—Jackson—1.

Motion failed.

The question was: Shall the bill be ordered engrossed and read a third time?

Motion carried.

Representative Anderson asked unanimous consent that **Assembly Bill 56** be referred to the joint committee on Finance. Granted.

Representative T. G. Thompson asked unanimous consent that **Assembly Joint Resolution 4** be taken from the table and referred to joint committee on Finance.

Representative Lipscomb objected.

**Assembly Bill 58**

Relating to the authority of cooperative educational service agencies and increasing state aids thereto, changing the name of agency school committees and making an appropriation.

Assembly amendment 1 to **Assembly Bill 58** offered by Representative Hephner.

Representative Brown moved rejection of assembly amendment 1 to **Assembly Bill 58**.

Assembly amendment 1 to assembly amendment 1 to **Assembly Bill 58** offered by Representative Merkel.

Representative Helgeson moved rejection of assembly amendment 1 to assembly amendment 1 to **Assembly Bill 58**.

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**MOTIONS**

Representative Brown asked unanimous consent that **Assembly Bill 313** be withdrawn from the committee on State Affairs and referred to the committee on Education. Granted.

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Representative Dueholm asked unanimous consent that Assembly Bill 47 be withdrawn from the committee on Taxation and referred to the joint Survey committee on Tax Exemptions. Granted.

Representative Dueholm asked unanimous consent that Assembly Bill 177 be withdrawn from the committee on Taxation and referred to the joint Survey committee on Tax Exemptions. Granted.

Representative Jackson asked unanimous consent to be recorded as voting "no" on Indefinite Postponement of Assembly Bill 56. Granted.

Representative Anderson asked unanimous consent to make a statement. Granted.

Representative Anderson asked unanimous consent to delete his name as an author of Assembly Bill 240 since it was authorized by Representative Atkinson and not Representative Anderson. Granted.

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### VISITORS

During today's session, the following visitors honored the assembly by their presence, and were welcomed by the presiding officer and the members:

Eighth grade class of Our Lady of Good Hope School and Mrs. Marcus and Sister, Milwaukee, Wisconsin, guests of Representative Jackson.

Mr. and Mrs. Joseph Dryfka, Stevens Point, Wisconsin, guests of Representative Groshek.

Seventh grade civics class, Brother Dutton School, Beloit, and teachers, Mrs. Fillion, Mr. Murawski, Sister Charlotte, Miss Mary Streveler, Beloit, Wisconsin, guests of Representative G. K. Johnson.

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Ray Dague and Steven Chandler, Muskego, Wisconsin, guests of Representative Jackamonis.

Mrs. Lucille Bjerice and six teen-age Republicans, Robert Galster, Black River Falls, Wisconsin, guests of Representative Quackenbush.

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Representative Anderson moved the assembly adjourn until 9:00 A.M., Thursday, February 18, 1971.

The question was: Adjournment?

Motion carried.

The assembly stood adjourned.

11:50 A.M.